



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C., 20460

DEC 11 2017

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Mr. Richard Angell, Esq.  
Parsons Behle & Latimer  
201 South Main Street, Suite 1800  
Salt Lake City, UT 84111

Sent by Email: rangell@parsonsbehle.com

**Re: Freedom of Information Act Request No. EPA-HQ-2018-001597**

Dear Mr. Angell:

This letter is in reference to your Freedom of Information Act ("FOIA") request received by the United States Environmental Protection Agency on November 10, 2017. In a phone call on November 10, 2017, you agreed to narrow the scope of your original request to read as follows:

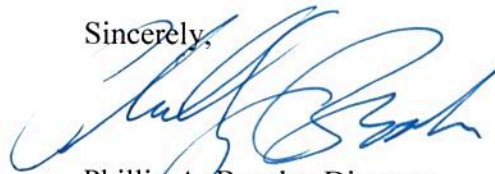
Please provide copies of the following records generated or obtained by EPA from January 1, 2010 through November 10, 2017: 1. Information requests pursuant to Clean Air Act Section 208(a), 42 U.S.C. Sec. 7542(a), that were directed to manufacturers, sellers, installers, or users of aftermarket products modifying or replacing engine control modules ("ECMs") and/or eliminating or affecting the operation of exhaust gas recirculation ("EGR") valves, selective catalytic reduction ("SCR") systems, or diesel particulate filter ("DPF") on any classification or size of diesel engine. 2. Documents from civil enforcement matters that are judicial or administrative (namely, notices of violation, filed complaints, orders, settlement agreements, expedited settlement agreements, consent decrees, and/or consent agreements) involving manufacturers, sellers, installers, or users of aftermarket products modifying or replacing ECMs and/or eliminating or affecting the operation of EGR valves, SCR systems, or DPFs on any classification or size of diesel engine. 3. Guidance, interpretations, enforcement policies, penalty policies, presentations (including PowerPoint presentations, speeches, and handouts), testimony, reports, articles, fact sheets, and any other materials published, broadcast or presented publicly by EPA or its representatives, including but not limited to, Mr. Evan Belser and Mr. Mark Palermo, concerning Clean Air Act Section 203(a), 42 U.S.C. Sec. 7522(a), and its applicability to aftermarket products modifying or replacing ECMs and/or eliminating or affecting the operation of EGR valves, SCR systems, or DPFs on any classification or size of diesel engine.

No documents are being withheld pursuant to your amended request. This information is being made available to you under Freedom of Information Act provision 5 U.S.C. § 552, as amended, and agency regulation 40 C.F.R. Part 2, as amended. Section 2.210 of the above referenced regulation authorizes the assessment of a fee to cover the search and reproduction cost incurred by the EPA in complying with information requests where the total cost to the agency exceeds \$25.00. The bill for this request is \$200.

This letter concludes our response to your request. You may appeal this response by email at [hq.foia@epa.gov](mailto:hq.foia@epa.gov) or by mail to the National Freedom of Information Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue. If you are submitting your appeal by hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. Appeals received after 5:00 pm EST will be considered received the next business day. The Agency will not consider appeals received after the 90-calendar-day limit. The appeal letter should clearly identify the determination being appealed, including the assigned FOIA tracking number shown above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal." Additionally, you may seek dispute resolution services from EPA's FOIA Public Liaison at [hq.foia@epa.gov](mailto:hq.foia@epa.gov) or (202) 566-1667, or from the Office of Government Information Services ("OGIS"). You may contact OGIS in any of the following ways: by mail to the Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD, 20740-6001; email, [ogis@nara.gov](mailto:ogis@nara.gov); telephone, (301) 837-1996 or (877) 684-6448; or fax, (301) 837-0348.

If you have questions or concerns, please also feel free to contact Brianna Iddings, the EPA attorney assigned to this matter. Ms. Iddings can be reached at (202) 564-7581 or [Iddings.Brianna@epa.gov](mailto:Iddings.Brianna@epa.gov).

Sincerely,



Phillip A. Brooks, Director  
Air Enforcement Division  
Office of Civil Enforcement